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Calendar No. 565

113TH CONGRESS
2D SESSION

S. 2061

[Report No. 113–257]

To prevent conflicts of interest relating to contractors providing background investigation fieldwork services and investigative support services.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2014

Mr. TESTER (for himself, Mrs. MCCASKILL, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

SEPTEMBER 16, 2014

Reported by Mr. CARPER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To prevent conflicts of interest relating to contractors providing background investigation fieldwork services and investigative support services.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

~~**SECTION 1. SHORT TITLE.**~~

~~This Act may be cited as the "Preventing Conflicts of Interest with Contractors Act".~~

SEC. 2. DEFINITIONS.

In this Act—

(1) the term ''agency'' means—

(A) an Executive agency (as defined in section 105 of title 5, United States Code);

(B) a military department (as defined in section 102 of title 5, United States Code);

(C) an element of the intelligence community (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));

(D) the United States Postal Service; and

(E) the Postal Regulatory Commission;

(2) the term ''background investigation fieldwork services'' means the investigatory fieldwork conducted to determine the eligibility of an individual for a security clearance or suitability for Federal employment, including—

(A) interviews of the individual or friends, family, or other sources who might have relevant knowledge of the individual; and

(B) reviews of—

(i) educational and employment records;

(ii) criminal and other legal records; and

(iii) credit history;

(3) the term ''background investigation support services'' means the clerical, administrative, and technical support services provided to various functions critical to the background investigation process, including—

(A) initial processing and scheduling of investigative requests;

(B) information technology and information technology support;

(C) file maintenance;

(D) imaging or copying of investigation documents; and

(E) mail processing; and

(4) the term ''quality review process'' means performing the final quality review of a background investigation, or assisting or facilitating the quality review or another quality assurance process, to ensure investigative, administrative, and other required standards have been met before the completed background investigation is delivered to the adjudicating agency.

SEC. 3. ORGANIZATIONAL CONFLICTS OF INTEREST.

After the date of enactment of this Act, the Director of the Office of Personnel Management may not award

~~a contract to an entity under which the entity will conduct quality review processes for background investigation fieldwork services or background investigation support services that, as of the date of the award of the contract, are being conducted by that entity.~~

SECTION 1. SHORT TITLE.

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(1) the term "agency" means—

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(B) a military department (as defined in section 102 of title 5, United States Code);

(C) an element of the intelligence community (as that term is defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003));

(D) the United States Postal Service; and

(E) the Postal Regulatory Commission;

(2) the term "background investigation fieldwork services" means the investigatory fieldwork conducted to determine the eligibility of an individual for logical and physical access to Federally-controlled facili-

ties or information systems, suitability or fitness for Federal employment, eligibility for access to classified information or to hold a national security sensitive position, or fitness to perform work for or on behalf of the Federal Government as a contractor or employee, including—

(A) interviews of the individual, the employer of the individual, former employers of the individual, and friends, family, and other sources who might have relevant knowledge of the individual; and

(B) reviews of—

(i) educational and employment records;

(ii) criminal and other legal records; and

(iii) credit history;

(3) the term "background investigation support services" means the clerical, administrative, and technical support services provided to various functions critical to the background investigation process, including—

(A) initial processing and scheduling of investigative requests;

(B) information technology and information technology support;

(C) file maintenance;

(D) imaging or copying of investigation documents; and

(E) mail processing; and

(4) the term "quality review process" means performing the final quality review of a background investigation to ensure investigative, administrative, and other required standards have been met before the completed background investigation is delivered to the adjudicating agency.

SEC. 3. LIMITATION ON CONTRACTING TO PREVENT ORGANIZATIONAL CONFLICTS OF INTEREST.

Notwithstanding any other provision of law, after the date of enactment of this Act, a contract may not be entered into, and an extension of or option on a contract may not be exercised, with a contractor to conduct a quality review process relating to background investigation fieldwork services or background investigation support services if the contractor is performing the services to be reviewed.

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